

Art. 343 (1): The Causes and the Consequences.

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*"We hope that the spirit of the International Mother Language Day will help develop in us a deep respect **for not only one's own mother tongue, but for those of others as well**; help the expression of all kinds of majority and minority languages and **put an end to the dictates of one language over the other.**"*

-UNO on International Mother Language Day

India was waging independence struggle against Britain for decades, without the help of Hindi as the link language. India attained independence too, without Hindi. It became a single nation, a single political entity, in 1947, without Hindi as the official language. What was the need for India, then, in the year 1949, to have Hindi as the Official Language, when it achieved so much without Hindi? The protagonists of Hindi did not answer this specific question convincingly at the time of framing of the Constitution in 1949. Because, they knew that there was no reason for it except their sentiments and subjective desires. Hindi was and is not essential for India to remain a single cohesive political entity. The independence struggles of the USA and Bangladesh would prove that it is only equality among the subjects that would ensure unity and that neither language nor religion could unite the people to remain together, unless there is real equality as assured by law. Yet, in India, Hindi was elevated to the status of official language through Art. 343 (1) shattering that concept of equality, which has been assured in the Preamble of the Constitution of India. The pro-Hindi bloc wanted to further the convenience of the Hindi-speaking people in the free-India, in the political, social, literary, and educational fields. This bloc, therefore, resorted to numerous illegitimate means to make Hindi as the official language, at the time of framing the Constitution. Consequently, the children who have been born to the Non-Hindi people of India are, now, forced to shoulder the extra burden of learning that language.

The North-Indian leaders inside and outside the Constituent Assembly (hereinafter referred to as Consembly) acted in an unfair manner and played foul to give Hindi that higher pedestal. They were not prepared to see the international precedents when it came to the language issue. They were not ready to hear the Non-Hindi people who said that Hindi as official language would render them to be second-class citizens. There were many polyglot nations, which faced social unrests and revolutions because of the higher status to given to

one language at the cost of the other of the same nation. But, the North-Indian leaders did not want to pay any heed to such precedents in the international arena.

Constituent Assembly's "Constitutional Advisor (B. N. Rau) brought together a great deal of data on foreign constitutions"¹. But, there is no evidence that he placed before the Consenbly the precedents in the international arena on the language issue. There is no evidence that the Consenbly discussed in depth those precedents (although a few members had referred to some stray cases). If only the Consenbly had gone through the language problem faced by Belgium in 1800s, or that of Canada in 1800s and 1900s, or that of Latvia in 1700s, 1800s and 1900s which had been assessed as 'Linguogenocide' by Prof. Andrejs Veisbergs, the Head of Contrastive Linguistics Department, University of Latvia, or the problems faced by the people of Catalonia or Switzerland, the members of the Consenbly would not have ventured to formulate the Art. 343 (1) of the Constitution the way it is at present. Elevation of Hindi as official language in this polyglot nation was to cause misery and sufferings to all the Non-Hindi people who constituted about 59% of the entire population of India, then. But, pro-Hindi bloc did not care to examine the ill effects that such elevation would have on the Non-Hindi people.

The commencement of Constituent Assembly proceedings

The first day of the meeting of the Consenbly on 09.12.1946 was dedicated to formalities of inauguration. On the very next day of the meeting of the Consenbly, which was essentially the first day of the effective meeting of the Consenbly, when Jawaharlal Nehru moved a resolution for legalizing the continuance of the office that was doing preliminary work for the Consenbly, the following arguments took place:

"Acharya J. B. Kripalani: I accept the amendment.

Shri R. V. Dhulekar (United Provinces: General): Mr. Chairman, I desire to the amendment that the intended, Procedure Committee

The Chairman (Dr. Sachchidananda Sinha): May I respectfully ask whether the Hon'ble Member does not know English.

Shri R. V. Dhulekar: I know English, but I want to speak in Hindustani.

The Chairman (Dr. Sachchidananda Sinha): Many of the members such as Mr. Rajagopalachari do not know Hindustani.

*Shri R. V. Dhulekar. **People who do not know Hindustani have no right to stay in India.** People who are present in this House to fashion out a constitution for India and do not know Hindustani are not worthy to be members of this Assembly. **They had better leave.***

The Chairman (Dr. Sachchidananda Sinha): Please say what you wish to say."

(Note: Readers may please note that the Chairman did not reprimand Mr. Dhulekar but moves further)

"Shri R. V. Dhulekar: I desire to move that the Procedure Committee should frame all rules in Hindustani which may be translated into English".

¹ (Page 340 – Landmarks in Indian Legal and Constitutional History – V.D. Kulshreshta – EBC.

Entire conversation between the Chairman and Dhulekar had taken place only in Hindustani. The foregoing episode on the very second day of the meeting of the Consemby provides telltale evidence to the self-centered approach of the North Indian Congressmen who brought the issue of language very vehemently at every stage of formulation of the Constitution, without any modicum of understanding of the Indian history or world history on language issues. They exhibited arrogance and did not feel the need to have or to show empathy towards their co-nationals born in other linguistic belts. The North-Indian leaders who needed the Non-Hindi people of the East, South and West in the 1920s to fight against the British people, chose to work against those Non-Hindi people while framing the Constitution of India.

They simply forgot the basic fact that various nations of the sub-continent speaking various languages were brought together under a single banner for political purposes in the year 1947 and was given the name India. Rajendra Prasad himself concedes that the political unity of India as a single entity was "new".²

Fundamental flaw in the constitution of Consemby

There was a fundamental flaw in the very constitution of Constituent Assembly itself. Its members had not been elected by universal suffrage. That was a very serious flaw and was in total violation of the promise repeatedly given by the Congress leaders for two decades from 1928 onwards. Jawaharlal Nehru wrote in the Daily Herald of London on 02.10.1933, "A political solution of the struggle can only come where the Indian people can settle their own Constitution in a **popularly elected** Constituent Assembly. Such an Assembly would also, I have no doubt, solve minority and other problems, which have assumed so much prominence because their solution has been entrusted not to popularly chosen spokesmen but to official nominees".

Nehru said that it was "the Constituent Assembly elected on the **widest franchise**" which alone could draw up the Constitution and "not by a group of so-called leaders or individuals. Not by those self-constituted bodies called All-Parties Conferences which represent, if anybody at all, small interested groups and leave out the vast majority of the population. **Not even**, let us admit, by the **National Congress**, powerful and largely representative as it is"... "The whole idea behind the Constituent Assembly is that it should be elected on a very wide basis, drawing its strength and inspiration from the masses". But, the Consemby was, actually, constituted, later, by directing the Members of the Provincial Assemblies (for which election had been held in December 1945 and January 1946) to send members to the Consemby. That was not universal suffrage.

21.08.1945, the Viceroy made announcement that elections to the central and provincial assemblies would be held in the winter that year³. In September 1945, Government issued notification for holding elections to the Central Legislative Assembly. The nominations were to be accepted in the last week of October 1945 in all the provinces except in Bengal and North-West Frontier Province for which the nominations would be accepted up to 3rd and 10th

² "So this political unity is not only **new** but also exposed to various kinds of stress and strains." – Rajendra Prasad in his letter to Gyanwati Devi on 25.11.1957- Page 179 - Portrait of a President – Letters of Dr. Rajendra Prasad written to Mrs. Gyanwati Devi – Vikas Publishing House P. Ltd – 1974.

³ Page 218 – The Transfer of Power in India – V.P.Menon – Orient Longman

November 1945 respectively. Immediately, the Congress Working Committee constituted an Assembly Election Sub-Committee, the Central Election Board, which was to decide who should be given ticket for the 1945 Provincial Assembly elections in all the Provinces. This Sub-Committee, which consisted of seven persons, had delegated powers to three among them. But, the other two having been on tour, the entire power had actually been exercised only by one-man, Vallabhbhai Patel. He alone was deciding who should be elected from which province for the Consenbly. And, he started working.

Azad appeals to reason

But, Maulana Abul Kalam Azad urged postponement of election, as the electoral rolls were defective⁴. In a Press Interview at Mumbai published on 8.9.1945 in Bombay Chronicle, he said, "Considering the fact that these elections will be a prelude to the Constituent Assembly and the issues at stake are so vital, a postponement of election is called for. ... The **Congress has stood for adult suffrage for more than a quarter of a century** and, therefore, it cannot view with equanimity the deprivation of tens of millions of potential voters"⁵. "In all provinces, except Bombay, no serious effort has been made to revise the electoral rolls prepared in 1941 and bring them up-to-date. In this connection, I would ask the Governors of other provinces to copy the example of the Bombay Governor who has announced his Government's decision to completely revise the electoral rolls so as to bring them up-to-date. I must ask the Governors of other provinces to do likewise if the elections are not to prove a joke".⁶

Improper activity of the Congress High Command

But, Vallabhbhai Patel did not care. He went ahead with election work and set up the Secretarial Office for the Central Election Board of the Indian National Congress at Mumbai. He wrote to Jawaharlal Nehru asking for draft manifesto for the election. He also wrote to all the Provinces advising them to send all the nominations to the Central Election Board of his party for processing and approval. A specific condition was imposed on the prospective candidates that they must sign a pledge and send it along with their nomination papers. Provinces were advised not to forward the cases where there was no pledge. **That pledge was an undertaking that after the election, in case they got elected, they would conduct themselves as per the directives of the Congress High Command.** This technique invented by Patel, which might sound like an intra-party affair, was actually a plain immoral and unlawful activity on the part of the Congress High Command. It demonstrated that even when the Congressmen were fighting for independence from the British rule, this Congress leader did not have any intention to practice real parliamentary democracy in India. He did not have any intention to respect the rights of functional freedom of the elected representatives of his own party in the Central Legislative Assembly. The Congress leaders who claimed that they got educated in West, did not exhibit any of the western values of democracy, even during the run-up of the 1945 elections, but were proving to the world that they were not mature enough to establish a democratic government in India. Patel did not

⁴ Page 104 & 114 – Maulana Azad: *Selected Speeches & Writings – 1940-1947* : P.N.Chopra – Reliance Publishing House.

⁵ Page 409 – *Towards Freedom : 1949* – Oxford ICHR – Bimal Prasad.

⁶ Page 415 – *Towards Freedom: 1945* – Oxford ICHR – Bimal Prasad.

treat the prospective candidates as compatriots in the struggle for independence. He established master and servant relationship in the party by insisting the candidates, without exception, to sign the pledge. He demonstrated, thereby, that he was not ready to believe in the patriotic credentials and commitments of his own congressmen who wanted tickets to contest.

There was no case in which the candidature was approved by Patel without the pledge. One single example would prove it: A telegram was sent by Lalakaka, the Secretary of the Ahmedabad Congress on 23.10.1945 to Vallabhbhai Patel, "Vadibhai pledge posted to Shantilal, Bombay". Shantilal was the Secretary in the Election Control Office at Mumbai. On 24.10.1945, Patel sent a telegram to Lalakaka "Your wire. Vadilal's nomination approved".⁷ It is a pity that these 'Commanders' who called themselves as 'High Command' buried the democratic concepts very deep even when they were saying that they were fighting for democracy in India.

In fact, Patel was using that pledge to threaten the legislators of the South, in his letter dated 30.04.1946 addressed to Madhava Menon, when the Madras Province consisting of three Provincial units of the Congress Party flatly refused to go by the diktats of Patel and Azad in the election of the leader of the Assembly. Patel said,

"But, we shall never conceal our apprehensions and we do not propose to abdicate our functions in case things go wrong. The pledge on which the candidates were selected and on the strength of which (they) were eventually returned by the electorate gives us ample authority of control but we have thought fit not to exercise it at present for various reasons, which need not be stated here."⁸

One feels sad as well as amused. Sad, because the leaders who constituted the Congress High Command had stooped so low to subvert democratic process by introducing the concept of such unlawful 'Pledges', instead of training their cadre about the finer aspects of democracy and the process of elections. Amused, because the elected Congressmen of the South stood their ground and asserted their legal rights in spite of the illegitimate manipulations of Patel and Azad in the name of Congress High Command.

What free India would do, only free India knows, says Nehru

Jawaharlal Nehru said, during the AICC Conference held at Mumbai for three days during 21-23.09.1945, that "it was necessary to define the implications of the concept of self-determination. Self-determination had played a dominant role in Europe during the war years. But, the nations of Europe had now begun to think in terms of the needs of defence and security and self-defence rather than of self-determination. That picture must be made clear. What free India would do, only free India knew. None could prophecy at present. All that they could say and did say was to state clearly that they would not coerce any unit to go against its wishes." Such coercion was neither possible nor desirable, said Nehru during the session⁹.

⁷ Page 111- *Sardar Patel's Correspondence – Vol 2*

⁸ Page 18 – *Sardar Patel's Correspondence – Vol 3*

⁹ Page 442 – *Towards Freedom – 1945 – Bimal Prasad – Oxford ICHR.*

"The Indian National Congress reiterated its stand on independence, but its resolution passed in September, 1945 did concede the right of secession"¹⁰. Its resolution read:

"Nevertheless, the Committee declares also that it cannot think in terms of compelling the people in any territorial unit to remain in an Indian Union against their declared and established will. While recognising this principle, every effort should be made to create conditions which would help the different units in developing a common and **cooperative national life**. Acceptance of the principle inevitably involves that **no changes should be made which result in fresh problems being created** and **compulsion being exercised on other substantial groups** within that area. Each territorial unit should have the fullest possible autonomy within the union, consistently with a strong national state".¹¹

But, the North Indian Congressmen did not care for this Resolution. They did not work for a cooperative national life. They formed a small coterie among themselves and wanted to run the nation as per their whims. Their interest was branded and projected by them as 'national interest' and their 'orders' to the non-Hindi belt Congressmen were clothed with the words 'guidance'. They commanded and demanded that all their surreptitious activities must be honoured by the Congressmen in the South with respect and reverence. They did not give any recognition to the existence or aspirations of the South. Those Congressmen from the South who obeyed the diktats of the North-Indian Congressmen were patronised as 'nationalists' and the other Congressmen who stood by, expressed and represented the cause and desires of the respective South Indian states were ill-treated (although they were also Congressmen). The nation is still reaping the whirlwind, even after seven decades, because of this master and servant culture introduced by the North Indian Congressmen in 1945, in the pre-independence era, when they were in the threshold of tasting power.

It is this kind of servile Congressmen who were selected by the 'Congress High Command' to be elected to the Provincial Assemblies who, actually, elected, later, the members of the Constituent Assembly. And, those Constituent Assembly members were also not allowed to function freely the way members of the Constituent Assembly must function.

Patel decided the candidates for Consenbly too

Among many, Patel's letter dated 10.10.1945 addressed to Rajendra Prasad about the alliance sought by Shyama Prasad Mukherjee of Hindu Maha Sabha, also proves that the Congressmen were not sure, in October, 1945, of the manner in which the Constituent Assembly would get formed, if it was to be formed at all. But, it so happened that after the arrival of the Cabinet Mission the elections to the Consenbly were held by directing the members of the Provincial Assemblies to elect members for the Consenbly. If Vallabhbhai Patel could play such a larger role in the elections to the Central Assembly and Provincial Assemblies in 1945, without knowing whether the Constituent Assembly was going to come from those elections, what manipulations would he have indulged in when he was distributing tickets for the election of members to the Constituent Assembly? If readers imagine anything

¹⁰ Page (lii) – *ibid*.

¹¹ *ibid*.

wild, they would not feel disappointed. Because, the extent of manipulation by Vallabhbhai Patel in the Constituent Assembly elections was, actually, beyond their imaginations.

Patel chose Congressmen of his choice as per his own subjective prejudices and predilections. His letter dated 10.06.1947 addressed to B.G. Kher on the vacancies from the Bombay quota in the Consemby and his letter 01.09.1947 addressed to the Prime Minister of Madras Presidency regarding the vacancies of Madras quota would testify to the fact that it was Patel's personal desire which counted, in filling up the posts in Consemby which was, legally, a different entity and not a Congress Legislature Party.

The fact was that the "makeshift" Constituent Assembly brought into existence thus, did not have proper authority to formulate the Constitution. Mr. Mahavir Tyagi said in the Constituent Assembly itself on 17.09.1949: "We have assumed that we are the representatives of the nation. Well, all of us have come through an indirect electorate - through the Legislative Assemblies of the Provinces, which had been elected when we were not free, when the British were there. These assemblies were elected in 1946. And we are making this constitution in the hope and with the claim that we are the accredited representatives of India. I am afraid technically we are not the representatives of India, *de facto* we might claim to be, but *de jure* we are not".

Meeting of the Congress Party Members of the Consemby

But, what was even sadder was that even those Consemby members were not allowed to perform as per their opinions and desires. The Congress Party treated all the Consemby members as members of the Congress Parliamentary Party in the Central Legislative Assembly and screened them beforehand and compelled them to vote as per the intra-party meeting's decision. **The Consemby was thus not allowed to keep on record the opinions of the people of the constituencies, which were supposed to have sent their representatives to the Consemby.** This was a very serious illegality and illegitimacy on the part of the North Indian Congress Leaders who treated all the members of the Consemby as their Party's slaves and not as the representatives of the people of the respective areas.

Congressmen fight over language rights

Congress leaders convened a preliminary meeting of the Congress Members of the Constituent Assembly to decide on the language issue. "It appeared, at one stage, that the unity which had existed in the Constituent Assembly would break down on the provisions relating to language"¹² There was no reasoned discussion in the meeting but only emotional cries, while deciding on this issue¹³. Nehru walked out saying that he would not be surprised if there took place some murder there itself in the meeting hall. Thereafter, he was pacified and brought back. At his behest, voting took place, without any further discussion. Entire South and East voted against Hindi and the North for Hindi. It was a tie on the first day with 44 on each side. The meeting was deferred. The next day saw a tie too with 77 for each. It was at that time the Presiding Officer Pattabhi Sitaramaiah had chosen to cast his vote.¹⁴ As

¹² Constitutional Law of India –Page 972 - H.M. Seervai.

¹³ Recorded interview by the author with L. Krishnaswamy Bharathiyar, Member, Constituent Assembly.

¹⁴ Our Constitution and Languages – L.Krishnaswamy Bharathiyar – Publication by Tamil University , Thanjavur - 1985.

per convention, the presiding officers would cast their votes to enable reconsideration of the issue and not for finalisation of the issue. If there is a tie when an amendment is introduced, it is a very serious matter and the presiding officer should enable for the continuance of status quo ante only. But, Pattabi Sitaramiah threw those conventions to the winds just in order to please his masters. It is a tragi-comedy that the same Congress-Consemyly Members including Rajendra Prasad and Jawaharlal Nehru prepared and approved the Art. 96 (2), Art. 100, Art. 181 (2) and Art.185 (2) of the Constitution restricting the possible abuse of the right of the Presiding Officers of legislatures while exercising Casting Vote.

Pattabhi Sitaramaiah had already lost his prestige and popularity among the people of Andhra area of Madras Presidency, as could be seen from his successive defeats in 1939 and 1945 in Andhra. In the 1939 INC elections he was defeated by Subash Chandra Bose also. He had lost the 1945 elections to Provincial Assembly also to Prakasam and N. G. Ranga of Andhra. He had, however, been patronized and rehabilitated by Nehru and Patel. They found him pliable now, in contrast to the defiant Prakasam. They, therefore, ensured election of Pattabhi Sitaramaiah as President of the INC in 1948 party election. He had thus been under bondage and felt indebted to Nehru and Patel. He, therefore, started displaying his loyalty to Nehru and Patel, thenceforth. What is more, he had gone to the extent of recommending against creation of linguistic states, in April 1949, by being part of the JVP Committee, in spite of the fact that he became an illustrious leader of the people of Andhra Pradesh only because he spearheaded the movement for separation of Andhra on linguistic lines and had been putting up spirited fight for it from the year 1913 onwards. He gave a diametrically opposite recommendation in April 1949 as part of the JVP Committee. A vulnerable South Indian leader has always been the preferred choice of North Indian leaders. It was such a vulnerable Pattabhi Sitaramaiah who chose, now, on 14.09.1949, to display his loyalty to them once again, and cast his vote in favour of Hindi, against all canons of propriety. And that became a whip for all the members of the Congress Party to vote for Hindi, later, in the Consembyly. If only the Congress Party had been dissolved, as advised by Mahatma Gandhi after the AICC meeting of November 1947, this kind of strangulation of the voice of the Congressmen of the South would not have taken place in September 1949, and Hindi would not have become the Official Language.

History provides evidence thus to prove that the Congress leaders had not been mature enough to run a nation in a democratic manner, in spite of the fact that they had declared again and again that they would go by the British conventions on parliamentary procedure. Hindi became official language through the Consembyly, only because of this unethical vote of Pattabi Sitaramaiah in the meeting of the Congress Members of the Constituent Assembly. If, in spite of the resultant whip, some members (like Kuladhar Chaliha of Assam, Subbarayan, T.T. Krishnamachari, T.A. Ramalingam Chettiar and Mrs. G. Durgabai of Chennai, P.T. Chako of Kerala, Shankar Rao Deo of Mumbai, B. Das of Orissa, and Satis Chandra Samanta of West Bengal) from the Non-Hindi bloc spoke their mind to some extent on the floor of the Consembyly itself, it only demonstrates their inability to compromise their commitment to the people whom they represented.

Nazrudeen Ahmed tried to reason out

Nazeeruddin Ahmed did not want the surcharged atmosphere of the newly independent nation to be taken advantage by the North Indians to thrust their language on the entire India.

But, that exactly was what had happened. The records of the Consenbly show very clearly that the South Indian members had shown extraordinary tolerance to the provocative speeches of the Hindi-belt representatives, only because they wanted the freedom of the nation to be safeguarded.

T.T.Krishnamachari had said on the floor of the Constituent Assembly on 04.11.1948, "This kind of intolerance makes us fear that the strong Centre which we need, a strong Centre which is necessary will also mean the **enslavement** of people who do not speak the language of the Centre.....my honourable friends in U.P. do not help us in any way by flogging their idea (of) 'Hindi Imperialism' to the maximum extent possible. Sir, it is up to my friends in U.P. to have a whole-India; it is up to them to have a Hindi-India. The choice is theirs...". Such was the moderation and sense of responsibility displayed by the South-Indian members of the Consenbly.

It was in this Consenbly that Nazrudeen Ahmed. a member from the North, tried to reason out. He said that the Constitution must provide safeguard for the continuance and growth of the regional languages and, for that purpose, create states based on linguistic identity and a system of mass literacy. When sixty percent of the people had thus been made literate, then, the Parliament should decide the question of language or languages for the administration of the Union. His proposal was voted out by the Hindi belt Congressmen. The situation needed give-and-take mentality. But, the South Indian Congressmen just gave all and did not take any. The Hindi-belt took everything and did not give any. Those born in the Non-Hindi belt, later, are, consequently, burdened with that Hindi now. They face problems now in doing business, in discharging work as bureaucrats at the Centre and in seeking jobs in Central government oriented organisations. Children face a variety of problems in school education. People in the Non-Hindi belt feel stifled because of the indirect and direct intellectual suffocation caused by the invasion of Hindi in Non-Hindi areas in TV, Cinema, Cine songs, literature, culture, etc.,

Manifesto of October 1945

The Manifesto of the Congress Party released on 11.12.1945 listed twelve fundamental rights, one among them being,

"The culture, language and script of the minorities and of the different linguistic areas shall be protected".

The Manifesto concluded saying,

"In these elections, petty issues do not count, nor do individuals, nor sectarian cries – only one thing counts: the freedom and independence of our motherland, from which all other freedoms will flow to our people."

There was no declaration anywhere in the Manifesto regarding making Hindi as a link or national or official language. There was no reference at all about ensuring the unity of the nation by making Hindi as the national language. It is clear that people **did not vote authorizing the legislators to provide elevated status to Hindi.** It was these legislators in the Provincial Assemblies who elected the Members of the Constituent Assembly

and those Consenbly members allowed themselves to be manipulated by the North Indians through various tricks to vote for Hindi as the Official Language.

Rajendra Prasad's discriminatory attitude

When a comprehensive Hindu Code Bill was proposed to be taken up for discussion in the Constituent Assembly, the North-Indian Congress Members of the Constituent Assembly wanted that issue to be deferred to the future parliament. Rajendra Prasad opposed it tooth and nail. He cited British Conventions, need for popular mandate, etc., and decreed that the Constituent Assembly was only a makeshift arrangement not competent to decide on such serious issues. In his letter dated 24.07.1948 addressed to Jawaharlal Nehru, he says,

"It (the Hindu Code) has certainly never been included in our election manifesto. The present Constituent Assembly is hardly a body to take up this fundamental legislation for the simple reason that it has not been convened to deal with personal law of any particular community but for drawing up a Constitution for a State."¹⁵

Rajendra Prasad, who was the President of the same Constituent Assembly, had himself gone on record having said, "this Assembly is only a **sort of makeshift arrangement** for a legislature whose place it has taken". His letter dated 21.8.1948 addressed to Dr. K. N. Katju who was then the Governor of West Bengal confirms the well-established principles of constitution-making that any far-reaching changes in laws must be placed before the electorate first and then only it must be placed before the Assembly. He says that the people who are affected must be given opportunity to express itself first through general elections and then only the law-making process must start.¹⁶

But, the same Rajendra Prasad and his North-Indian counterparts did not want the language issue to be deferred to the future parliament. They indulged in all sorts of trickeries and treacheries to force the same incompetent Constituent Assembly to make Hindi as the Official Language as per Art. 343 (1) of the Constitution. Because, the North Indian Congressmen knew very well that Hindi would never be given any kind of elevated status in the future legislative bodies.

Art. 351 inserted on the sly

Even sadder was the way in which Art. 351 was inserted as part of the Constitution unnecessarily and in total contradiction to the text of the Art. 343 (1). The text of Art. 351 had not been discussed in the Constituent Assembly, at all, as the members from the south had already lost their heart when they lost to Art. 343 (1) on 14.09.1949. There was no discussion about Art. 351 even in the meeting of the Congress members of the Constituent Assembly. It was, in fact, drafted only by the Drafting Committee (that had four Brahmins, one Non-Brahmin and one Muslim) and was introduced two months later, on 15.11.1949 and got passed without any discussion at all. The following discussion reproduced from the Minutes of the Consenbly would show how easily Art. 351 has passed through the Consenbly:

¹⁵ Page 403- Sardar Patel's Correspondence – Vol. VI.

¹⁶ - Dr. Rajendra Prasad: Correspondence and Select Documents – Page 63- Vol. 10.

“Shri T. T. Krishnamachari : Amendment 491 may not be necessary because Kamath has moved amendments 394 and 395--practically the same amendment.

*Mr. President : Very well. **Then we come to article 351**--amendment No. 492.*

Dr. P. S. Deshmukh : What have you done with amendment 559 to article 320, Sir ?

*Mr. President : **I have taken it as moved.** You are referring to amendment No. 559. Do you want to speak, Dr. Deshmukh?*

Dr. P. S. Deshmukh : Yes, Sir. I am sorry to say that this new amendment does not appear to be at all satisfactory. First of all, Sir, it is very circuitous in its drafting. It is like ...”

That was how Hindi which was, consciously and deliberately, prevented from being made as the national language or common language or ruling language or lingua franca through Art. 343 (1), had been made, on the sly, to become more than the link or common language, through Art. 351.

The way Sanskrit is glorified in Art. 351 indicates, clearly, the saffron religious tinge. It was conspiracy all the way. The fact was that the Hindu religious leaders had been very active during those days and worked to have their way with the Constitution, at the Drafting stage itself to get things done secretly without making things public. In his article ‘Ideal Prophet of Our Age’¹⁷, Agnihotram Ramanuja Thathachariar eulogises and extols the role played by the Sankaracharya of Kanchipuram at the drafting stage of the Constitution. The article throws light on the extent to which his Chaturvarna-oriented suggestions had influenced the Drafting Committee and entered into the Constitution. “Constitutions are often subverted, not by the people, but by small groups, who wish to enhance their own power”¹⁸

Hindi → Sanskrit → Hinduism

It is recent history that the Arya Samaj and other saffron outfits injected religion into the language issue and worked overtime to deny Punjabi language, its glorious status in its traditional homeland itself. They projected Hindi as the language of Hindus and aggressively campaigned for it denouncing, at the same time, Punjabi language in Gurmukhi script. (Ironically, the saffron outfits which excluded Punjabi language from Hindu-fold conspired to include the Sikhs while defining the term ‘Hindu’ in the Hindu law, both against the wishes of Sikhs). Art. 343 (1) gives supremacy to that kind of Hindi of Hinduism. The purpose of Art. 351 was to convert that Hindi to be sanskritised one, soon, because Sanskrit and Hinduism are synonymous. Religion and language gets, thus, intertwined when Sanskrit, which was never the language of the people, is projected as an important language through Art. 351. Hindi was made official language *de jure* as per Art. 343 (1). But, Sanskrit was intended to be made official language *de facto* through Art. 351. Thus, the calculation was that Art. 351 would Sanskritise Hindi and protect Sanskrit, which would protect Hinduism which would protect the Chaturvarna System, which would, ultimately, help the real beneficiaries of such Chaturvarna system to acquire total control over the political and social life of the entire nation with all consequential benefits to them as they were availing themselves of during the apartheidistic Chanakya era, in an organised and authoritative manner. And, India will once again slide back

¹⁷ Now, available online too at <http://www.kamakoti.org/souv/5-41.html>

¹⁸ Text Book of NCERT – Political Science 2 for Class XI. Page-13.

to the era of apartheid and suppression of various nationalities, this time, through language too. To sum up, contrary to the Resolution of September 1945 that no changes should be made which result in creation of fresh problems in 1949, the North Indian Congressmen had **created fresh problems** by making Hindi as the official language. This resulted in compulsion and coercion of the Non-Hindi people to learn Hindi, unnecessarily. These Congressmen were not interested in establishing a strong India where all linguistic groups would be equal in status as partners and compatriots with mutual respect. And, Sanskrit, through Art. 351, poses even more danger to equality in the social life of Indians. It is time the Non-Hindi people became alert and asserted their inalienable right to get equal status to all the national languages of India, on par with Hindi in each and every sphere.

Already, Hindi has spoiled the prospects of Marathi, Gujarathi and Oriya in cine-field and the writers and poets in these national languages have lost out to Hindi. The people of these languages have, due to external forces, been habituated to listen mainly to Hindi songs all day long, which trend borders on cultural genocide through **forced assimilations**. We must wake up, at least now, and prevent the negative consequences of the impropriety committed by the Consenbly on the language issue from having further cascading effects. We, all the Non-Hindi people do have our inalienable right to love and promote our mother tongues and the duty to protect them from the ill effects of the misconceived Art. 343 (1) and Art.351. Let us discharge that duty and, thereby, ensure peace and unity in India. Liberty and Equality would alone pave way for the development of the sense of Fraternity that would assure Unity of our nation.

“A constitution that, for instance, allowed permanent majorities to oppress minority groups within society would give minorities no reason to go along with the provision of the constitution. Or a constitution that systematically privileged some members at the expense of others, or that systematically entrenched the power of small groups in society, would cease to command allegiance. If any group feels their identity is being stifled, they will have no reason to abide by the constitution. No constitution by itself achieves perfect justice. But it has to convince people that it provides the framework for pursuing basic justice.”

Text Book of NCERT – Political Science 2

